

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Conf. No.: 8654

RAIMONDI

Atty. Ref.: 2149-199

Serial No. 10/589,614

Group: 3739

Filed: August 16, 2006

Examiner: Chou, W.B.

For: Method And Instrument For The Geometrical Evaluation Of
Lesions Affecting Tissues Or Internal Organs

* * * * *

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

ELECTION UNDER 35 USC §121

In response to the Office Action dated September 30, 2010 (for which a one-month extension of time is hereby sought) holding the subject matter of claims 1-13 to be non-obvious and patentably distinct from that of claims 14-22, Applicant(s) hereby elect the invention of Group I, (upon which claims 1-13 are readable) for further substantive examination.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained for use with a possible divisional application.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,
NIXON & VANDERHYE P.C.

November 23, 2010

By: /H. Warren Burnam, Jr./

H. Warren Burnam, Jr.

Reg. No. 29,366

HWB:lsb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100